

ELECTION OF INVENTION AND SPECIES:

The Patent Examiner has required the election of one of the following Inventions for further prosecution:

Group I: Claims 1-29, 35-43, 45-59, drawn to a container, classified in class 137, subclass 874;

Group II: Claims 30-34, drawn to a container, classified in class 137, subclass 874; and

Group III: Claim 44, drawn to a container, classified in class 137, subclass 874.

In addition, the Examiner has required the election of an embodiment employing different and mutually exclusive materials of construction as a species.

ELECTION:

Applicants respectfully elect, with traverse, for further prosecution Group III, claim 44, and amended claims 45-59 herein, which have been amended to depend directly or indirectly on claim 44, with hardened steel coated with hard metal elected as the

species for the materials of construction of the intermediate ring and the spectacle plate, with the claims readable on the elected invention and species being claims 44-48 and 53-59.

REMARKS/ARGUMENTS

The claims are 1-59. Claims 45-49 and 53-59 have been amended to depend on claim 44 so that these claims and claims 50-52 depend directly or indirectly on claim 44. In addition, these claims and claims 1-7, 12-20, 25-34 and 39-43 have been amended to improve their form or to remove reference numerals.

As stated above, Applicants elect for further prosecution Group III, claim 44, and amended claims 45-59, and the species, wherein the construction material for the intermediate ring and the spectacle plate is hardened steel coated with hard metal, with claims 44-48 and 53-59 reading on the elected invention and species, and respectfully traverse the requirement for restriction for the following reasons.

It is respectfully submitted that any search for the invention embodied in Group III and the species elected would necessarily include a search of the inventions embodied in the remaining Groups I and II and the remaining species. Thus, a simultaneous search for all groups and species is believed not to constitute an unreasonable search for the Patent Examiner.

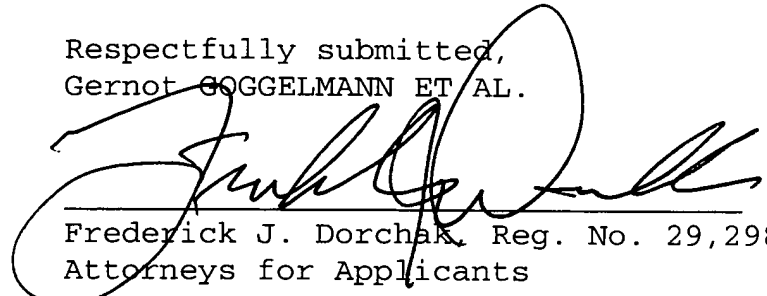
In addition, it is believed that the objectives of streamlined examination and compact prosecution would be promoted if a search were conducted simultaneously for all groups and species. Also, the necessity of filing multiple patent applications in this case does not serve to promote the public interest because of the extra expense that is involved, in filing fees and examination costs, as well as the burden upon the public due to the necessity of searching through a multiplicity of patent files in order to find the complete range of subject matter claimed in several different patents that could otherwise be found in one issued patent only.

Applicants reserve the right to file divisional applications for the non-elected groups and species.

In summary, claims 1-7, 12-20, 25-34 and 39-59 have been amended. For all these reasons, it is respectfully requested that the restriction requirement under 35 U.S.C. §121 be

withdrawn, and that an action on the merits of all the claims be rendered.

Respectfully submitted,
Gernot GOGGELMANN ET AL.

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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: COMMISSIONER OF PATENTS, Alexandria, VA 22313-1450 on July 14, 2010.

A handwritten signature in black ink, reading "Amy Klein", is written over a horizontal line.

Amy Klein